

State of Colorado



DPA

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NOTICE OF RULEMAKING

TO: Secretary of State
All Departments, Agencies, Institutions and Other Interested Parties

FROM: Jeffrey C. Schutt, Director
Division of Human Resources 

Date: February 18, 2005

SUBJECT: NOTICE OF PUBLIC HEARING TO CONSIDER ADOPTION OF
PERMANENT ADMINISTRATIVE PROCEDURES, 4 CCR 801

The State Personnel Director will hold a public hearing in conjunction with the State Personnel Board on April 13 and 14, 2005. During this public hearing, the State Personnel Director will consider repeal of all current Director's administrative procedures and adoption of new administrative procedures on a permanent basis addressing the following subjects and issues:

Repeal of all current Personnel Director's Administrative Procedures, 4CCR 801, and replacement with administrative procedures addressing the following:

- Introduction outlining purpose of promulgated administrative procedures and preamble with effective dates
- Organization, Responsibilities, Ethics and Definitions, including administrative procedures regarding state personnel director, appointing authority, employee activities, records, and definitions
- Jobs, including job evaluation system, individual position review, Senior Executive Service
- Compensation, including general principles, annual compensation survey, compensation rates, downward adjustments, upward adjustments, lateral adjustments, annual performance salary adjustments, incentive awards, Teacher plan, Medical plan, Senior

Executive Service, overtime, other premium pay, and Voluntary Separation Incentive Program

- Employment and Status, including general principles, recruitment, methods, assessment of qualifications, employment lists, referrals, selection, employee status, temporary status, and substitute appointment
- Time Off, including general principles, personal leave, leave sharing program, holiday leave, other employer-provided leaves, and Family/Medical Leave
- Performance, including general principles and performance management
- Dispute Resolution, including general principles, director's appeals, performance pay system disputes, and director's review process
- Fair Employment Practices, including discrimination in examinations
- Personal Services Agreements, including general provision, determination of the business case, evaluation of potential impact on certified employees, contract process and requirements, notification and review process
- State Benefit Plans, including general principles, employer responsibilities, eligibility, enrollment, employee responsibilities, effective date of coverage, termination of coverage, employee and state contributions, pay back requirements, flexible spending accounts, leaves, COBRA, Medicare, conversion to non-group coverage, complaint and appeal procedures, and employee assistance program

The proposed procedures will eliminate obsolete dates, redundancies and ambiguities. They will update policy to reflect current practice and statutory changes that are effective July 1, 2005. They will provide clearer guidance and numbering to users of the Director's administrative procedures.

The April 13 and 14, 2005, public hearing will commence at 9:00 a.m. in the Fort Logan Mental Health Center auditorium, 3550 W. Oxford Avenue, Denver 80236. All interested persons are urged to attend this public hearing and to submit written comments concerning the proposed administrative procedures to the State Personnel Director for the Director's consideration. Written comments should be submitted no later than close of business on April 6, 2005.

Reasonable accommodation will be provided upon request for persons with disabilities. If you are a person with a disability who requires a special accommodation to participate in this public hearing, please notify Judi Karg at 303-866-2391 by April 6, 2005.

The proposed administrative procedures and the proposed statement of basis, specific statutory authority and purpose will be available for review by interested persons on or before close of business February 22, 2005, at 1600 Broadway, Suite 1030, Denver, Colorado 80202 and 1313 Sherman Street, Room 122, Denver, Colorado 80203 and on the web at <http://www.colorado.gov/dpa/dhr/>.

The State Personnel Director's authority to adopt these administrative procedures is enumerated in, but not limited to:

Colorado Constitution, Article XII, Sections 13 and 14;

State Personnel System Act, Title 24, Article 50, Sections 101 through 804, CRS (2004) including, but not limited to: 101, 102, 104, 104.5, 109.5, 110, 112.5, 114, 116, 117, 122, 123, 124, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136 (as amended by House Bill 1373 effective 7/1/05), 137, 138, 140, 145, 146, 201, 203, 206, 208, 301, 302, 303, 304, 401, 402, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 513, 601, 602, 603, 604, 605, 607, 608, 609, 610, 611, 612, 613, 614, 615, 617, 801, 802, 803, 804;

State Support Services Reorganization Act, 24-50.3-104;

Section 1-7-102, CRS (2004);

Section 12-34-101.5, CRS (2004);

Section 13-71-119, CRS (2004);

Section 13-71-134, CRS (2004);

Section 19-5-211, CRS (2004);

Section 24-2-102, CRS (2004)

Section 24-2-103, CRS (2004);

Section 24-4-106, CRS (2004);

Section 24-11-101, CRS (2004);

Section 24-11-110, CRS (2004);

Section 24-11-112, CRS (2004);

Section 24-34-402, CRS (2004);

Section 24-34-402.7, CRS (2004); and

CAPE v. Lamm, 677 P2d 1350 (Colo. 1984)